

**REMARKS**

In the February 4, 2005 Office Action, the Examiner:

- Rejected claims 1 and 5 under 35 U.S.C. 103(a) as unpatentable over *Bostick* (“Bostick”, U.S. Pat. No. 5,074,272) in view of *Kushida* (“Kushida”, U.S. Pat. No. 5,626,121); and
- Rejected claims 2-4 and 6-8 under 35 U.S.C. 103(a) as unpatentable over *Bostick* in view of *Kushida* and further in view of *Melchior* (“Melchior”, U.S. Pat. No. 5,199,402).

***Claim Rejections - 35 U.S.C. § 103***

The Examiner has rejected claims 1 and 5 under 35 U.S.C. 103(a) as being unpatentable over *Bostick* in view of *Kushida*, and further rejected claims 2-4 and 6-8 under 35 U.S.C. 103(a) as unpatentable over *Bostick* in view of *Kushida* and further in view of *Melchior*.

However, Applicant traverses these rejections in light of the amendments. More specifically, Applicant has canceled claims 1-3 and 5-8, which renders the rejections to these claims moot now. With regard to remaining independent claim 4, Applicant has not amended it and maintains that the Examiner has not established prima facie obviousness for claim 4 relative to the combination of *Bostick* and *Kushida* further in view of *Melchior*.

The Examiner has not demonstrated that the combination of *Bostick* and *Kushida* further in view of *Melchior* teaches each and every limitation of claim 4. Claim 4 specifically recites a bypass channel that “is in a funnel shape” (lines 8-9) and a rotary valve having a sectoral-spool shape that is further disposed at an inlet side of the bypass channel (lines 10-11). On the other hand, in the Examiner’s own words, *Bostick* teaches using a shunt valve to bypass a fuel return pressure valve (Claim 5 and 6 of *Bostick*), and *Kushida* teaches the claimed details of Applicant’s spring based regulator and bypass valve (FIG. 5). Neither reference describes or depicts the bypass channel that is in a funnel shape, nor do they provide a rotary valve having a sectoral-spool shape that is further disposed at an inlet side of the bypass channel.

In addition, *Melchior* does not supply a funnel-shaped bypass channel that would have remedied this shortcoming in *Bostick* and *Kushida* (FIG.1). *Melchior* also does not have

its alleged rotary valve disposed at an inlet side of the bypass channel, but it depicts a position that is the opposite of the limitation in claim 4 (FIG. 1).

As such, *Bostick*, *Kushida*, and *Melchior*, alone or in combination, do not teach a bypass channel that is in a funnel shape and a rotary valve having a sectoral-spool shape that is further disposed at an inlet side of the bypass channel. This signifies that the Examiner has not satisfied prima facie obviousness for claim 4. Therefore, Applicant respectfully requests withdrawal of the rejection.

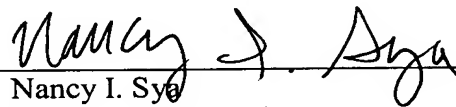
**CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is now in a condition for allowance. However, should the Examiner believe that the claims are not in condition for allowance, the Applicant requests the Examiner call the undersigned attorney at 415-442-1106 to set up an interview.

If there are any fees or credits due in connection with the filing of this Amendment, including any fees required for an Extension of Time under 37 C.F.R. Section 1.136, authorization is given to charge any necessary fees to our Deposit Account No. 50-0310 (order No. 060945-0131-US). A copy of this sheet is enclosed for such purpose.

Respectfully submitted,

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 52,266  
 Nancy I. Sya (Reg. No.)  
 for  
 Thomas D. Kohler 32,797  
**MORGAN, LEWIS & BOCKIUS LLP**  
 2 Palo Alto Square  
 3000 El Camino Real, Suite 700  
 Palo Alto, California 94306  
 (650) 843-4000